but in no way violating any constitutional provision. The act merely requires that under certain conditions the employer speak the truth, and not by silence speak an untruth. The interpretation as construed by the court in the present case will perhaps be preferred and followed by later cases. If one employer will not employ an applicant unless he furnish a service letter, a refusal on the part of the first employer to grant such a letter is in effect a statement that the applicant should not be employed. By his silence the employer may in reality slander or ruin the employe's reputation without incurring liability. The law in question furnishes protection to the employe without imposing an unlawful requirement upon the employer.

MASTER AND SERVANT—LIABILITY OF MASTER FOR INJURIES TO SERVANT THROUGH NEGLIGENCE OF COMPANY PHYSICIAN.—The plaintiff was injured while in the employ of the defendant whose custom it was to withhold a certain sum from the wages of the employees for the purpose of keeping a physician to care for its sick and injured servants. It was alleged that through unskillful treatment of such a physician the plaintiff's arm became permanently disabled. *Held,* that the duty of the master is discharged upon the supplying of a competent physician. *Wells* v. *Ferry-Baker Lumber Co.,* (1910), — Wash. —, 107 Pac. 869.

The duty of an employer with respect to the furnishing of medical relief, depends on the nature of the arrangement. If the empoyer derives profit from the fund, greater liability devolves on him than otherwise, *Richardson* v. *Carbon Hill Coal Co.,* 6 Wash. 52, 32 Pac. 1012; *Sawdey* v. *Spokane Falls &c. R. Co.,* 30 Wash. 349, 70 Pac. 972; *Texas & P. Coal Co.* v. *Connaughten,* 20 Tex. Civ. App. 642, 50 S. W. 173, but where an employer derives no profit from the retention of the hospital fund, he is liable only for ordinary care in the selection and retention of a competent physician. *Poling* v. *San Antonio & A. P. R. Co.,* 32 Tex. Civ. App. 487, 75 S. W. 69; *Union Pac. R. Co.* v. *Artist,* 60 Fed. 365, 9 C. C. A. 14; *Pierce* v. *Union Pac. R. Co.,* 66 Fed. 44, 13 C. C. A. 323. The measure of the competency of a physician is the skill and diligence of other physicians in the same neighborhood and in the same line of practice. *Force* v. *Gregory,* 63 Conn. 167.

MORTGAGES—TAX TITLES—REVERSAL OF JUDGMENT.—The plaintiff instituted an action to foreclose a mortgage, making W., the mortgagor, and V., the holder of a tax title, defendants. Judgment was given for the plaintiff in the lower court, and V. took an appeal. No supersedeas bond having been given, the property was sold to the plaintiff under execution; subsequent to this, and while the appeal was still pending, the property was sold to pay taxes, and it was purchased by the plaintiff. The upper court decided the mortgage invalid, and the case was reversed and remanded. The lower court then gave judgment for the plaintiff on his tax title. On appeal, reversed, and *Held,* McCLAIN and EVANS, JJ., dissenting, V. was entitled to a restitution of the property and to an accounting. *National Surety Co.* v. *Walker et al.* (1910), — Ia. —, 125 N. W. 338.

V. was entitled to a restitution of the property with rents and profits, upon a reversal of the original foreclosure case, Code § 4145, *Schoonover* v.